

PTO/SB/84 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	Docket Number (Optional) 3284.1
--	------------------------------------

First named inventor: Eugene Wang

Application No.: 09/758,872

Art Unit: 1631

Filed: January 11, 2001

Examiner: James Martinell

Title: Computer Software for Genotyping Analysis Using Pattern Recognition

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$1,330 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):

- has been filed previously on \_\_\_\_\_.
- is enclosed herewith.

B. The issue fee of \$ 1,630

has been paid previously on March 1, 2004.

is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## 3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_ for a small entity or \$\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

## 4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

05/11/2004

Date

Signature

Telephone  
Number: (408) 731-5000

Priyadarshini Rath (Limited. Recog. 37CFR 10.9(b))

Typed or printed name

3380 Central Expressway

Address

Santa Clara, CA 95051

Address

Enclosures:  Fee Payment

- Reply
- Terminal Disclaimer Form
- Additional sheets containing statements establishing unintentional delay
- Other : Petition to Withdraw Holding of Abandonment, Copy of Issue Fee Transmittal Form, Copy of sending unit's Report, Certificate of Limited Recognition under 37 CFR 10.9(b)

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6046. 872 9306

05/11/2004

Signature

Date

Priyadarshini Rath

Typed or printed name of person signing certificate

[Page 2 of 2]

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

1,330

Complete if Known

Application Number	09/758,872
Filing Date	January 11, 2001
First Named Inventor	Eugene Wang
Examiner Name	James Martinell
Art Unit	1831
Attorney Docket No.	3284.1

## METHOD OF PAYMENT (check all that apply)

 Check    Credit card    Money Order    Other    None
 Deposit Account:

Deposit Account Number

01-0431

Deposit Account Name

Affymetrix, Inc.

## The Director is authorized to: (check all that apply)

- 
- Charge fee(s) indicated below
- 
- Credit any overpayments
- 
- 
- Charge any additional fee(s) during the pendency of this application
- 
- 
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity   Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	285	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$0)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-20**	= 0	X 18	= 0	Extra Claims	Fee from below	Fee Paid
Independent Claims							
Multiple Dependent							

Large Entity   Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	-- Reissue independent claims over original patent
1205	18	2205	9	-- Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$0)

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	130	2051	65	Surcharge - late filing fee or oath	
		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
		1053	130	1053	130	Non-English specification	
		1812	2,520	1812	2,520	For filing a request for reexamination	
		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
		1251	110	2251	55	Extension for reply within first month	
		1252	420	2252	210	Extension for reply within second month	
		1253	950	2253	475	Extension for reply within third month	
		1254	1,480	2254	740	Extension for reply within fourth month	
		1255	2,010	2255	1,005	Extension for reply within fifth month	
		1401	330	2401	165	Notice of Appeal	
		1402	330	2402	165	Filing a brief in support of an appeal	
		1403	280	2403	145	Request for oral hearing	
		1451	1,510	1451	1,510	Petition to institute a public use proceeding	
		1452	110	2452	55	Petition to revive - unavoidable	
		1453	1,330	2453	665	Petition to revive - unintentional	1,330
		1501	1,330	2501	685	Utility issue fee (or reissue)	
		1502	480	2602	240	Design issue fee	
		1503	640	2503	320	Plant issue fee	
		1460	130	1460	130	Petitions to the Commissioner	
		1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
		1806	160	1906	160	Submission of Information Disclosure Stmt	
		8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
		1809	770	2609	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
		1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
		1801	770	2801	385	Request for Continued Examination (RCE)	
		1802	900	1802	900	Request for expedited examination of a design application	
		Other fee (specify) _____					

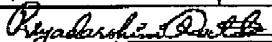
\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$1,330)

\*\*or number previously paid, if greater. For Reissues, see above

## SUBMITTED BY

Name (Print/Type)	Priyadarshini Rath	Registration No. (Attorney/Agent)	Limited Recog. (37 CFR 10.5(b))	Telephone	408-731-5000
Signature			Date	05/11/2004	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Serial No.: 09/758,872  
Attorney Docket: 3284.1

~~PATENT~~ OFFICIAL

Attorney Docket No. 3284.1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Wang et. al.

Examiner: James Martinell

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Serial No: 09/758,872

Group Art Unit: 1631

MAY 11 2004

Filing Date: January 11, 2001

Title: **Computer Software for Genotyping  
Analysis Using Pattern Recognition**

Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Sir:

In reply to the Notice of Abandonment mailed April 26, 2004, Applicants respectfully petition the Commissioner under 37 CFR §1.181 to withdraw the holding of abandonment for the above-referenced application.

Applicants respectfully submit that they had filed the Issue Fee Transmittal Form by facsimile on March 1<sup>st</sup> 2004, within the stipulated 3-month deadline to respond to the Notice of Allowance. Applicants further submit that they relied on the sending unit's report, confirming successful transmission of the Form, as evidence of receipt by the Office. Applicants hereby enclose the following papers as evidence of timely payment of the issue fee and publication fee for the subject application.

Serial No.: 09/758,872  
Attorney Docket: 3284.1

1. A copy of the Issue Fee Transmittal Form bearing a signed certificate of facsimile transmission
2. A copy of the sending unit's report confirming transmission of the Form

For the above reasons, Applicants respectfully request the Commissioner to grant their petition.

The undersigned may be contacted at (408) 731-5000 for any questions pertaining to this Petition or Application.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

Respectfully submitted,



Priyadarshini Rath  
Limited Recognition under 37 CFR 10.9(b)

Dated: May 11, 2004

Customer No. 22886  
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